



COMDTNOTE 5521

FEB 2 1998

COMMANDANT NOTICE 5521

CANCELLED: FEB 1 1999

Subj: CONSUMER CREDIT REPORTING REFORM ACT OF 1996

Ref: (a) Coast Guard Military Personnel Security Program, COMDTINST M5520.12A
(b) Department of Transportation Security Bulletin SEC 97-07 dated 24 October 1997
(NOTAL)

1. PURPOSE. To provide guidance on the Consumer Credit Reporting Reform Act of 1996 which amended the Fair Credit Reporting Act. The amendment expands obligations and responsibilities of the Coast Guard with respect to obtaining and using "consumer reports." Although the definition of consumer reports is quite broad, for the purposes of this Notice, consumer reports means any written or oral communication of information by a consumer reporting agency bearing on a consumer's credit, such as a credit report, credit history, etc.
2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, commanding officers of headquarters units, assistant commandants for directorates, Chief Counsel, and special staff offices at Headquarters shall ensure compliance with the provisions of this Notice.
3. DIRECTIVES AFFECTED. Reference (a) is modified by this Notice.
4. DISCUSSION.
 - a. Reference (b) mandates that no consumer report may be obtained by any Department of Transportation agency unless the applicant or employee has first given authorization in writing.
 - b. These consumer reports may be obtained by a Department of Transportation agency in connection with an application for employment or in the course of employment for the

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purposes of evaluating fitness for employment, promotion, reassignment, retention or access to classified information.

- c. In conjunction with the Department of Transportation's General Counsel's Office, the attached disclosure and authorization form (DOT Form 1631) has been created for use throughout the Department of Transportation. All Coast Guard members (military and civilian, including applicants), must sign the attached form before a consumer report may be obtained on that person by the Coast Guard for the purposes of evaluating fitness for employment, promotion, reassignment, retention or access to classified information.
 - d. Effective immediately, all personnel security investigation requests must include DOT Form 1631 in addition to the investigation forms required in paragraph 2.J. of reference (a).
 - e. Any questions concerning this Notice shall be referred to your cognizant security manager.
5. FORMS AVAILABILITY. Locally reproduced, high quality copies of the attached form are acceptable.
6. CANCELLATION CONTINGENCY. This Notice should be retained until incorporated in a forthcoming change to reference (a).


JOYCE M. JOHNSON
Director of Health and Safety

Encl: (1) DOT Form 1631

UNITED STATES DEPARTMENT OF TRANSPORTATION

**Disclosure and Authorization Pertaining to Consumer Reports Pursuant to the Fair
Credit Reporting Act**

This is a release for the U.S. Department of Transportation to obtain one or more consumer credit reports about you in connection with your application for employment or in the course of your employment with the _____. One or more reports may be obtained for employment purposes, and used for evaluating your fitness for employment, promotion, reassignment, retention or access to classified information.

I, _____, hereby authorize the U.S. Department of Transportation to obtain such report(s) from any consumer/credit reporting agency for employment purposes.

Signature

Date

Social Security Number

Current Organization Assigned

PRIVACY ACT STATEMENT

PURPOSE The U. S. Government conducts background investigations and reinvestigations to establish that applicants or incumbents employed by the government or working for the government under contract, are suitable for the job. Information from this form is used primarily as the basis for this investigation. Complete this form only after a conditional offer of employment has been made.

AUTHORITY Depending upon the purposes of your investigation, the U. S. Government is authorized to ask for this information under Executive Order 10450, 10465, 12333, 12968, sections 5301 and 9101 of title 5, U. S. Code, sections 2165 and 2201 of title 42, U. S. Code, sections "K1 and KX" of title 50, U. S. Code, and parts 5, 732, and 736 of title 5, Code of Federal Regulations. Your Social Security number is needed to keep records accurate, because other people may have the same number and birth date. Executive Order 9397 also asks Federal agencies to use this number to help identify individuals in agency records.

VOLUNTARY NATURE OF DISCLOSURE Giving us the information we ask for is voluntary. However, we may not be able to complete your investigation, or complete it in a timely manner, if you don't give us each item of information we request. This may affect your placement or security clearance prospects.

DISCLOSURE OF INFORMATION The information you give us is for the purpose of investigating you for employment or a security clearance; we will protect it from unauthorized disclosure. The collection, maintenance, and disclosure of background investigation information is governed by the Privacy Act. The U. S. Department of Transportation has published notices in the Federal Register describing the systems of records in which your records will be maintained. You may obtain copies of the relevant notices from the person who gave you this form. The information on this form, and information we collect during an investigation may be disclosed without your consent as permitted by the Privacy Act (5 USC 552a(b)) and as follows:

1. To the Department of Justice when: (a) the agency or any component thereof, or (b) any employee of the agency in his or her official capacity, or any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (d) the United States Government, is a party to litigation or has interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records by the Department of Justice is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.
2. To a court or adjudicative body in a proceeding when: (a) the agency or any component thereof, or (b) any employee of the agency in his or her official capacity, or (c) any employee of the agency in his or her individual capacity where the Department of Justice has agreed to represent the employee; or (d) the United States Government, is party to litigation or has interest in such litigation, and by careful review, the agency determines that the records are both relevant and necessary to the litigation and the use of such records is therefore deemed by the agency to be for a purpose that is compatible with the purpose for which the agency collected the records.
3. When a record on its face, or in conjunction with other records, indicates a violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute, particular program statute, regulation, rule, or order issued pursuant thereto, the relevant records may be disclosed to the appropriate Federal, foreign, State, local, tribal, or other public authority responsible for enforcing, investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation, or order.
4. To any source or potential source from which information is requested in the course of an investigation concerning the hiring or retention of an employee or other personnel action, or the issuing or retention of a security clearance, contract, grant, license, or other benefit, to the extent necessary to identify the individual, inform the source of the nature and purpose of the investigation, and to identify the type of information requested.
5. To a Federal, State, local, foreign, tribal or other public authority the fact that this system of records contains information relevant to the retention of an employee or the retention of a security clearance, contract, license, grant or other benefits. The other agency or licensing organization may then make a request supported by written consent of the individual for the entire record if it so chooses. No disclosure will be made unless the information has been determined to be sufficiently reliable to support a referral to another office within the agency or to another Federal agency for criminal, civil, administrative, personnel or regulatory action.
6. To contractors, grantees, experts, consultants, or volunteers when necessary to perform a function or service related to this record for which they have been engaged. Such recipients shall be required to comply with the Privacy Act of 1974, as amended.
7. To the news media or the general public, factual information the disclosures of which would be in the public interest and which would not constitute an unwarranted invasion of personal privacy.
8. To a Federal, State or local agency, or other appropriate entities or individuals, or through established liaison channels to selected foreign governments. In order to enable an intelligence agency to carry out its responsibilities under the National Security Act of 1947 as amended, the CIA Act of 1949 as amended, Executive Order 12333 or any successor order, applicable national security directives, or classified implementing procedures approved by the Attorney General and promulgated pursuant to such statutes, orders or directives.
9. To a Member of Congress or to a Congressional staff member in response to an inquiry of a Congressional office made at the written request of the constituent about whom the record is maintained.
10. To the National Archives and Records Administration for records management inspections conducted under 44 USC 2904 and 2906.
11. To the Office of Management and Budget when necessary to the review of private relief legislation.